The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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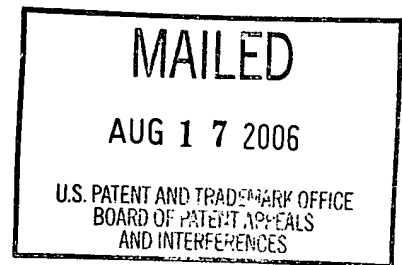BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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<u>Ex parte</u> ALICIA ANNE CHASTAIN, CHRISTOPHER JOSEPH PAUL
and DAVID MARK WENDT

Appeal No. 2006-1829
Application No. 09/921,020

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ON BRIEF

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Before HAIRSTON, RUGGIERO, and SAADAT, <u>Administrative Patent Judges</u>.

HAIRSTON, <u>Administrative Patent Judge</u>.

This is an appeal from the final rejection of claims 1 through 7, 9 through 16 and 18 through 21.

The disclosed invention relates to a data processing method and system for researching highlighted text in an electronic book.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method in a data processing system for researching text in an electronic book, the method comprising:

receiving a user input selecting the text from the electronic book, wherein the user input tags a beginning point and an ending point of any portion of text in the electronic book to form

selected text and wherein the selected text is identified by a user after the electronic book is displayed; and

automatically initiating a search for at least one item relevant to the selected text in response to receiving the user input.

The reference relied on by the examiner is:

Graham et al. (Graham)   6,457,026   Sept. 24, 2002
                                                                (effective filing date Dec. 22, 1997)

Claims 1 through 7, 9 through 16 and 18 through 21 stand rejected under 35 U.S.C.

§ 102(e) as being anticipated by Graham.

Reference is made to the briefs and the answer for the respective positions of the

appellants and the examiner.

<div align="center">OPINION</div>

We have carefully considered the entire record before us, and we will sustain the

anticipation rejection of claims 1 through 7, 9 through 16 and 18 through 21.

A claim is anticipated under 35 U.S.C. § 102 "if each and every limitation is found either

expressly or inherently in a single prior art reference." Bristol-Myers Squibb Co. v. Ben Venue

Labs, Inc., 246 F.3d 1368, 1374, 58 USPQ2d 1508, 1512 (Fed. Cir. 2001).

Graham describes a method and system for researching highlighted text in an electronic

multi-page document 502 (e.g., a book) (Figures 1 and 5; Abstract; column 1, lines 61 through

65; column 4, lines 47 and 48). A user 504 of the data processing system selects either a phrase

or a sentence of interest on a page of the electronic book displayed on a viewing area 202 of

display screen 24 (Figure 1, 2A through 2C and 5; column 3, line 57 through column 4, line 9; column 5, lines 9 through 13). The user's selected text of interest in the electronic book is maintained in a user profile file 516 (Figure 5; column 5, lines 16 and 17). The user profile file 516 is connected to an annotation agent 508 that includes a text processing stage 510, a content recognition stage 512 and a formatting stage 514 (Figure 5). The content recognition stage 512 includes an annotation tag stage 622 that adds annotation tags to the user's selected text of interest (Figure 6B; column 4, lines 62 through 65; column 5, lines 36 through 40). Graham states (column 5, lines 40 and 41) "these annotation tags are compatible with the HTML format," and in the HTML document 1000, the relevant text of interest to the user 504 "is preceded by an a [sic] <RH.ANOH.S . . . > tag 1002 and followed by an </RH.ANOH.S> tag 1004" (Figure 10; column 8, lines 13 through 17). The HTML formatted tags as well as the Postscript formatted tags are in well-known formats used to send documents over the Internet (column 5, lines 40 through 43; column 8, lines 13 through 17). In response to receiving the user's input (i.e., the HTML or Postscript formatted tags), the browser 506 in Graham automatically searches the Internet for at least one document relevant to the selected (i.e., tagged) text of interest (Figure 6B; column 7, lines 48 through 55).

Appellants' arguments (brief, pages 12 through 23; reply brief, pages 4 through 6) to the contrary notwithstanding, Graham describes all of the claimed steps and structure set forth in claims 1 through 6, 9 through 11, 13 through 16 and 18 through 21. Thus, the anticipation rejection of claims 1 through 6, 9 through 11, 13 through 16 and 18 through 21 is sustained.

The anticipation rejection of claims 7 and 12 is sustained because the notated passage of

text in balloon 226 is a "user created note associated with at least a portion of the electronic

book" (Figure 2D; column 4, lines 10 through 17).

DECISION

The decision of the examiner rejecting claims 1 through 7, 9 through 16 and 18 through

21under 35 U.S.C. § 102(e) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be

extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

KENNETH W. HAIRSTON   )
Administrative Patent Judge   )
)
)
) BOARD OF PATENT
JOSEPH F. RUGGIERO   )
Administrative Patent Judge   ) APPEALS AND
)
) INTERFERENCES
)
MAHSHID D. SAADAT   )
Administrative Patent Judge   )

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